

17057. Misbranding of compound flaxseed, menthol, and wild cherry cough syrup. U. S. v. 11 $\frac{3}{4}$ Dozen Bottles of Compound Flaxseed, Menthol, & Wild Cherry Cough Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24271. I. S. No. 021864. S. No. 2511.)

On November 23, 1929, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 $\frac{3}{4}$ dozen bottles of compound flaxseed, menthol, and wild cherry cough syrup, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by Brewer & Co., from Worcester, Mass., on or about October 22, 1929, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of extracts of plant drugs including wild cherry, chloroform, menthol, sugar, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements borne on the bottle and carton labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "A valuable treatment for Coughs * * * Bronchial and La Grippe Coughs;" (carton) "A valuable treatment for Coughs * * * Bronchitis, * * * La Grippe and Congested Conditions of the Respiratory Tract A Calmative in Bronchial and Laryngeal Ailments * * * Bronchial Affections * * * Healing."

On December 10, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17058. Misbranding of menthol inhalers. U. S. v. 5 Gross, et al., of Menthol Inhalers. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24441. I. S. No. 015781. S. No. 2701.)

On January 15, 1930, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 10 gross of menthol inhalers, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Surgical Products Laboratories, Brooklyn, N. Y., alleging that the article had been shipped from Brooklyn, N. Y., in part on or about November 29, 1929, and in part on or about December 11, 1929, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of menthol.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (label inside glass tube) "For Neuralgia, Asthma, Sore Throat, Catarrh, Hay Fever, Headache, Influenza * * * etc.," (display card) "Relieves Catarrh, Headache, Hay Fever, Asthma, Influenza, Neuralgia * * * etc.," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 3, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17059. Misbranding of Sun Laxative Cold Breakers. U. S. v. 48 Dozen Cartons of Sun Laxative Cold Breakers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23698. I. S. No. 07429. S. No. 1735.)

On May 18, 1929, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 dozen cartons of Sun Laxative Cold Breakers, remaining in the original unbroken packages at Denver, Colo., consigned by S. Pfeiffer Manufacturing Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about December 19, 1928, and transported from the State of Mis-

souri into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets contained acetanilide, extracts of a laxative plant drug, and traces of arsenic and cinchona alkaloids.

It was alleged in the libel that the article was misbranded in that the following statement on the circular was false and misleading: "Do not cause ringing in the head or nervousness like sulphate of quinine." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Whole-sale carton) "For * * * LaGrippe * * * and Malaria;" (carton container) "For * * * LaGrippe * * * and Malaria;" (carton and circular) "Regulate your bowels."

On December 14, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17060. Adulteration and misbranding of ether. U. S. v. 600 Quarter-Pound Tins, et al., of Ether for Anesthesia. Default decrees of destruction entered. (F. & D. Nos. 24113, 24114, 24149. I. S. Nos. 01379, 019564, 019565, 019567, 019568. S. Nos. 2347, 2353, 2374, 2381.)

On October 8, 1929, and October 15, 1929, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,380 quarter-pound tins of ether, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Milton Elias Co., from Elizabethport, N. J., on or about July 31, 1929, and transported from the State of New Jersey into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act.

Analyses of samples of the article by this department showed that the ether contained excess acidity.

The article was labeled in part: "Ether for Anaesthesia The Best That Can be Made For Anaesthesia * * * It is Superior in Vital Respects to the Ether of the U. S. P."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of purity as determined by the tests laid down in said pharmacopoeia official at the time of investigation, and its own standard was not stated upon the container showing wherein it differed from the standard set forth in the said pharmacopoeia. Adulteration was alleged for the further reason that the purity of the article fell below the professed standard under which it was sold, namely, (label) "It is Superior in Vital Respects to the Ether of the U. S. P."

Misbranding was alleged for the reason that the following statements appearing on the label were false and misleading: "The best that can be made for anaesthesia," and "It is Superior in Vital Respects to the Ether of the U. S. P."

On January 9, 1930, no claimant having appeared for the property, judgments were entered by the court ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17061. Misbranding of Nozol. U. S. v. 155 Bottles, et al., of Nozol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24289. I. S. Nos. 028520, 028521. S. No. 2527.)

On November 29, 1929, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 155 bottles, small size, and 156 bottles, large size, of Nozol, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Nozol Co., from Ettna, Pa., in various consignments, on or about September 27, October 12, and October 31,